

**Fifth Circuit Court of Appeal
State of Louisiana**

No. 26-KH-198

CLARENCE O. GIBSON

versus

STATE OF LOUISIANA

IN RE CLARENCE O. GIBSON
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE R.
CHRISTOPHER COX, III, DIVISION "B", No. 07-6779

TRUE COPY

July 07, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
Marc E. Johnson, and Scott U. Schlegel

WRIT DENIED

Relator, Clarence O. Gibson, *pro se*, seeks supervisory review of the March 30, 2026 ruling of the 24th Judicial District Court denying his Motion to Correct Illegal Sentence. We deny the writ application as untimely, as failing to comply with the rules of this Court, and as being a successive, repetitive, time-barred application for post-conviction relief.¹

Following a jury trial, Relator was convicted of sexual battery of a child under the age of fifteen, when he was over the age of seventeen, in violation of La. R.S. 14:43.1. On April 3, 2009, he was sentenced to twenty-five years imprisonment at hard labor, without benefits of probation parole or suspension of sentence. Relator was also required to be registered as a sex offender for life. Relator's conviction and sentence were reviewed and upheld on direct appeal, and his writ application to the Louisiana Supreme Court was denied. *State v. Gibson*,

¹ We have this day also entered a disposition in No. 26-KH-173, a writ application filed by Relator seeking review of the judgment of the district court denying a separate Motion for Reconsideration of Sentence, rendered on March 16, 2026. We denied Relator's application in that case for the reasons stated herein.

09-486 (La. App. 5 Cir. 3/9/10), 38 So.3d 373, writ denied, 10-802 (La. 11/5/10), 50 So.3d 814.

Relator filed an application for post-conviction relief (“APCR”) on May 2, 2011, which was denied. Relator did not apply to this Court for supervisory writs from the denial of his APCR. Some ten years later, on April 12, 2021, Relator filed a second APCR, which was denied by the district court on April 15, 2021. This Court and the Louisiana Supreme Court denied Relator’s applications for supervisory writs from the denial of his second APCR. See *State ex rel. Gibson v. Hooper*, 21-369 (La. App. 5 Cir. 6/28/21); *State ex rel. Gibson v. Hooper*, 21-1031 (La. 1/25/23), 354 So.3d 11. Prior to and since the denial of his second APCR, Relator has filed several successive, repetitive, time-barred APCR, numerous motions in the district court and writ applications in this Court and the Louisiana Supreme Court, as well as numerous filings in the federal courts, challenging his conviction and/or his sentence, or seeking modification of his sentence.

Currently before us is Relator’s Motion to Correct Illegal Sentence (the “Motion”), in which he challenges his sentence, to the extent that it requires him to register as a sex offender for the rest of his life, contending that the registry requirement constitutes cruel and unusual punishment, akin to a death sentence. Relator filed his Motion in the district court on March 17, 2026, and the district court denied the Motion on March 30, 2026.²

Relator did not file a notice of intent to seek supervisory writs in the district court, as required by Uniform Rules – Louisiana Courts of Appeal (“Uniform Rule(s)”), Rule 4-2. As a result, there is no order from the district court setting a return date as required by Uniform Rule 4-3, which also provides that, in criminal cases the return date “shall not exceed 30 days from the date of the ruling at issue.” Relator’s writ application was postmarked May 1, 2026, which is more than thirty days after the district court’s ruling.^{3 4} The filing is therefore untimely. Additionally, Relator failed to comply with Uniform Rule 4-5 in that his application does not include any of the documents required in Uniform Rule 4-5(C)(1)-(11) to be included in writ applications to this Court. The application also does not comply with Uniform Rule 4-5(A)’s verification and service requirements.

Further, Relator’s Motion is in substance an APCR and is subject to the prescriptive period set forth in La. C.Cr.P. art. 930.8(A). That section provides that an APCR must be filed within two years of the date the conviction and sentence became final. As we have stated, Relator’s conviction and sentence became final in 2010 when the Louisiana Supreme Court denied writs from our judgment in Relator’s direct appeal. Relator has not shown that an exception

² Relator did not attach a copy of the district court’s ruling to the instant writ application.

³ For purposes of determining timeliness of an inmate filing, the filing date is deemed to be the date the pleading is delivered to the prison authorities. *Houston v. Lack*, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988); *State v. Nevers-Hawkins*, 18-352, 2018 WL 4171728 at *2 (La. App. 5 Cir. 8/30/18) (unpub’d); *Shelton v. Louisiana Department of Corrections*, 96-348 (La. App. 1 Cir. 2/14/97), 691 So.2d 159.

⁴ The May 1, 2026, postmark date was noted by the Clerk of this Court. In his application, Relator states that the date he filed the writ application was May 3, 2026. The application was received and stamped filed by the Clerk of this Court on May 11, 2026. Whether the deemed filing date is May 1 or May 3, the application was not timely filed.

provided in La. C.Cr.P. art. 930.4 or art. 930.8 permits him to file this successive APCR outside the mandatory two-year limitations period. Accordingly, Relator's Motion is time-barred.

The facts in *State v. Rogers*, 24-54 (La. 4/30/24), 383 So.3d 921 are similar to those presented here in that the relator in that case, Glenn Rogers, had filed numerous successive and repetitive APCRs, which were denied by the district court and this Court. There, the Louisiana Supreme Court stated:

Applicant has now fully litigated his application for post-conviction relief in state court. Similar to federal habeas relief, *see* 28 U.S.C. § 2244, Louisiana post-conviction procedure envisions the filing of a second or successive application only under the narrow circumstances provided in La. C.Cr.P. art. 930.4 and within the limitations period as set out in La. C.Cr.P. art. 930.8. Notably, the legislature in 2013 La. Acts 251 amended that article to make the procedural bars against successive filings mandatory. ***Applicant's claims have now been fully litigated in accord with La. C.Cr.P. art. 930.6, and this denial is final.*** Hereafter, unless he can show that one of the narrow exceptions authorizing the filing of a successive application applies, ***applicant has exhausted his right to state collateral review.***

383 So.3d at 922 (Emphasis added).

We here echo the words of the Louisiana Supreme Court and find that Relator has also exhausted his right to state collateral review.

For the reasons stated above, Relator's writ application is denied. This denial is final.

Gretna, Louisiana, this 7th day of July, 2026.

**FHW
MEJ
SUS**

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



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CURTIS B. PURSELL
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FIRST DEPUTY CLERK

MELISSA C. LEDET
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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **07/07/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-KH-198

E-NOTIFIED

24th Judicial District Court (Clerk)
R. Christopher Cox, III (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Clarence O. Gibson #366576 (Relator)
Dixon Correctional Institute
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